APPENDIX

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA, IN CHANCERY

No. 14,183

LUISE S. CRISTIANI, *Plaintiff*

v.

DAVISO K. CRISTIANI, *Defendant*

Order

This cause having come on for hearing before me on the 2nd day of January 1963, on the petition of plaintiff's attorneys of record for an award of suit money and an order permitting withdrawal of said attorneys for cause, and defendant's answer to said petition, and petitioners, plaintiff, and defendant's attorney appearing before this Court pursuant to notice duly given, and testimony having been duly taken, and the Court being fully advised in the premises, the Court finds:

(1) That good and justifiable cause has been shown for permitting petitioners, plaintiff's attorneys of record, to withdraw from further representation of plaintiff in this cause, in that plaintiff has failed to cooperate with her said attorneys and has in effect revoked their representation and authority to such an extent as to impliedly or constructively operate as a discharge of said attorneys by the plaintiff; that in view of plaintiff's conduct toward her said attorneys she has prevented them in their efforts to complete this cause and in the further performance of their duties to the plaintiff.

(2) That the fee agreement between petitioners and their client, the plaintiff, held plaintiff personally responsible for the payment thereof, but anticipated payment by the defendant, which if made would be credited to plaintiff.

(3) That through petitioners' efforts and representation all the family real property assets were made available to plaintiff, free of any claim by the defendant, since plaintiff was afforded the opportunity of the care, custody and control thereof.

(4) That petitioners are entitled to an award of a reasonable attorneys' fee for their services to date, and necessary costs and expenses incurred in the prosecution of plaintiff's cause. The Court finds that the sum of $3000.— is a reasonable attorney's fee and that petitioners have necessarily expended or incurred the sum of $644.09 as costs in the prosecution of plaintiff's cause and are entitled to reimbursement of said sum; that petitioners have heretofore received the sum of $1,000 retainer from plaintiff, $424.30 temporary fees and costs from the defendant, under order of this Court, which sums totalling $1424.30 should be deducted from the total costs and fees awarded as above set forth.

(5) That petitioners are entitled to a charging lien on Lots 4 and 5, Block 11, Hudson Bayou Addition, to Town of Sarasota, as per plat recorded in Plat Book 1, page 236, Public Records, Manatee County, Florida, if the above sum is not paid in full within 30 days from date hereof. The said Lot 4 was conveyed to plaintiff during the pendency of this cause as a result of petitioners' representation, and the said Lot 5 was previously ordered by this Court to stand as security for payment of attorneys' fees and alimony, both of said lots having been under lis pendens since the commencement of this action.

It is therefore, upon consideration, ORDERED, ADJUDGED AND DECREED:

(1) That petitioners, ICARD, MERRILL, CULLIS & TIMM, petition for withdrawal for cause be and the same is hereby granted, and they are hereby discharged from further duties in said cause.

(2) That there is due to petitioners (from plaintiff) the sum of $1575.70 as reasonable attorney's fees, and $644.09 as necessary costs incurred, making a total sum of $4419.79.

(3) That petitioners have a charging lien for the total sum specified in the preceding paragraph superior to any right, title and interest arising after the filing of lis pendens on the property described in the complaint filed in Sarasota County, Florida, as follows, to wit:

Lots 4 and 5, Block 11, Hudson Bayou Addition, to Town of Sarasota, as per plat recorded in Plat Book 1, page 236, Public Records, Manatee County Florida

(4) That if the aforesaid total sum, plus interest on the aforesaid principal at the rate prescribed by law on the date of this order, and all costs of this proceeding subsequent thereto, are not paid within 30 days from this date, the Clerk of this Court shall sell the aforesaid property at public sale on April 15, 1963, to the highest bidder for cash, at the North door of the West Wing of the Sarasota County Courthouse, Sarasota, Florida.

(5) That petitioners shall advance all subsequent costs of this proceeding and shall be reimbursed by said Clerk therefore, if the petitioners shall not become the purchaser of said property at said sale. If petitioners shall be such purchaser, said Clerk shall credit the petitioners' bid with the aforesaid total sum found to be due petitioners, together with subsequent costs and interest, or such portion thereof as may be necessary to fully pay such bid.

(6) If the proceeds of such sale are insufficient to pay the same, this Court retains jurisdiction to enter a deficiency decree for the balance remaining unpaid and enter such further orders as may be just.

(7) After confirmation of such sale, the Clerk shall distribute the proceeds thereof so far as the same are sufficient by paying: first, all costs of these proceedings, documentary stamps affixed to the Certificate of Title; Second, the

total sum due petitioners, less the items first paid, plus interest at the rate prescribed by law from this date to the date of sale; third, any amount then remaining shall be retained to be disbursed as directed by further order of this Court.

(8) Upon the filing of the Certificate of Title by said Clerk, the Aforesaid plaintiff and defendant and any persons claiming by, through or under them or any of them since the filing of lis pendens herein, are forever barred and foreclosed of all right, title, interest, claim or demand whatsoever in and to the property hereinabove described, and the purchaser of the same at the aforesaid sale, his representatives or assigns, shall be let into possession of the same.

DONE AND ORDERED at Sarasota, Florida, this 25th day of February, 1963.

/s/ ROBERT E. WILLIS
Circuit Judge

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA, IN CHANCERY

No. 14,183

LUISE S. CRISTIANI, *Plaintiff*

v.

DAVISO R. CRISTIANI, *Defendant*

Order Denying Petition for Rehearing

This cause having come on to be heard before me upon plaintiffs petition for re-hearing and the Court having fully considered said petition and having heard plaintiff in regard thereto, and it appearing to the Court that said petition for re-hearing is without merit and should be de-

nied, and this Court being otherwise fully advised in the premises, it is thereupon on consideration,

ORDERED, ADJUDGED AND DECREED that the petition of the plaintiff for re-hearing be and the same is hereby denied.

DONE AND ORDERED in Chambers at Sarasota, Florida, this 19th day of April, 1963.

/s/ ROBERT E. WILLIS
Circuit Judge

IN THE DISTRICT COURT OF APPEALS OF FLORIDA
SECOND DISTRICT JULY TERM, A. D. 1963

Case No. 4007

LUISE S. CRISTIANI, *Appellant*

v.

DAVISO R. CRISTIANI, and ICARD, MERRILL, CULLIS & TIMM, Appellees.

Opinion filed October 25, 1963.

Interlocutory appeal from the
Circuit Court for Sarasota County;
Robert E. Willis, Judge

Luise S. Cristiani in propria
persona, Sarasota.

Charles J. Cheves, of Icard,
Merrill, Cullis & Timm, Sarasota,
for Appellees.

PER CURIAM.

Affirmed. See Robertson v. Robertson, Fla. App. 1958, 106 So. 2d 590, and Coggan v. Coggan, Fla. App. 1961, 130 So. 2d 131.

SMITH, C. J., and ALLEN and SHANNON, JJ, CONCUR

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM, A.D. 1964

Tuesday, February 25, 1964

Case No. 33,149

LUISE S. CRISTIANI, *Petitioner*

v.

ICARD, MERRILL, CULLIS AND TIMM, *et al.*, *Respondents*

The petition for writ of certiorari filed in the above cause has been examined and considered and the Court finds the petitioner failed to allege jurisdiction and set out sufficient facts to show that this court has jurisdiction in the cause; it is therefore ordered that the petition for writ of certiorari filed in this cause December 23, 1963, be and the same is hereby dismissed sua sponte.

A True Copy

Test:

GUYTE P. MCCORD
Clerk Supreme Court

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM A.D. 1964

Monday, March 23, A.D. 1964

Case No. 33,149

LUISE S. CRISTIANI, *Petitioner*

v.

ICARD, MERRILL, CULLIS & TIMM, *Respondents*

DAVISO R. CRISTIANI, *Respondent*

On consideration of the Petition for Rehearing filed by Luise S. Christiani in Proper Person,

IT IS ORDERED by the Court that the said petition be, and the same is hereby, denied.

A True Copy,

Test:

GUYTE P. MCCORD
Clerk Supreme Court

(I HAVE TODAY MAILED TO THE CLERK OF THE DISTRICT COURT OF APPEAL, SECOND DISTRICT, ORDER OF FEBRUARY 25, 1964, DISMISSING PETITION FOR CERTIORARI, IN THE ABOVE CAUSE)